This case was appealed from

Others: NRC-040-09075-MLA

U.S. Circuit Court of Appeals

US Circuit Court of Appeals - D.C. Circuit

17-1059

Oglala Sioux Tribe v. NRC, et al

This case was retrieved from the court on Thursday, March 29, 2018

Header

Case Number:	**17-1059**
Date Filed:	**02/21/2017**
Date Full Case Retrieved:	**03/29/2018**
NOS Description:	**(0) 0:; Appeal**

Summary

No Information is Available for this case

Associated Cases

No Information is Available for this case

Participants

Litigant	Attorney
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Powertech (USA), Inc. Intervenor for Respondent	Christopher Scott Pugsley, Esquire, Counsel [COR NTC Retained] Thompson & Pugsley, PLLC 1225 19th Street, NW Suite 300 Washington, DC 20036 202-496-0780 202-496-0783 cpugsley(at)athompsonlaw.com
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Proceedings

Date	Details
02/21/2017	PETITION FOR REVIEW CASE docketed. [17-1059]
02/21/2017	PETITION FOR REVIEW [1662500] of a decision by federal agency filed by Oglala Sioux Tribe [Service Date: 02/21/2017] Disclosure Statement: Not Applicable to this Party; Certificate of Parties: Not Applicable to this Filing. [17-1059]
02/22/2017	CERTIFIED COPY [1662502] of Petition for Review sent to respondent [17-1059]
02/22/2017	CLERK'S ORDER [1662506] filed directing party to file initial submissions: PETITIONER docketing statement due 03/24/2017. PETITIONER certificate as to parties due 03/24/2017. PETITIONER statement of issues due 03/24/2017. PETITIONER underlying decision due 03/24/2017. PETITIONER deferred appendix statement due 03/24/2017. PETITIONER procedural motions due 03/24/2017. PETITIONER dispositive motions due 04/10/2017; directing party to file initial submissions: RESPONDENT entry of appearance due 03/24/2017. RESPONDENT procedural motions due 03/24/2017. RESPONDENT certified index to record due 04/10/2017. RESPONDENT dispositive motions due 04/10/2017 [17-1059]
02/27/2017	ENTRY OF APPEARANCE [1663078] filed by James E. Adler and co-counsel Andrew P. Averbach on behalf of Respondent NRC. [17-1059] (Adler, James)
03/14/2017	MOTION [1665998] for leave to intervene [Disclosure Listing: Not Attached] filed by Powertech (USA), Inc. [Service Date: 03/14/2017] [17-1059]--[MODIFIED PARTY FILER--Edited 03/15/2017 by LMC] (Thompson, Anthony)
03/14/2017	ENTRY OF APPEARANCE [1666004] filed by Lane N. McFadden on behalf of Respondent USA. [17-1059] (McFadden, Lane)
03/16/2017	CORRECTED MOTION [1666293] for leave to intervene [Disclosure Listing: Not Attached] filed by Powertech (USA), Inc. [Service Date: 03/16/2017] [17-1059] (Thompson, Anthony)
03/17/2017	MOTION [1666580] to dismiss case for lack of jurisdiction (Response to Motion served by mail due on 03/27/2017) filed by NRC and USA (Service Date: 03/17/2017 by CM/ECF NDA) Length Certification: 3,775 Words. [17-1059] (Adler, James)
03/24/2017	ENTRY OF APPEARANCE [1667626] filed by Travis Stills on behalf of Petitioner Oglala Sioux Tribe. [17-1059] (Parsons, Jeffrey)
03/24/2017	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1667829] filed by Oglala Sioux Tribe [Service Date: 03/24/2017] [17-1059] (Parsons, Jeffrey)
03/24/2017	DOCKETING STATEMENT [1667830] filed by Oglala Sioux Tribe [Service Date: 03/24/2017] [17-1059] (Parsons, Jeffrey)
03/24/2017	STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL [1667831] filed by Oglala Sioux Tribe [Service Date: 03/24/2017] Intent: AppxDeferred [17-1059] (Parsons, Jeffrey)
03/24/2017	STATEMENT OF ISSUES [1667832] filed by Oglala Sioux Tribe [Service Date: 03/24/2017] [17-1059] (Parsons, Jeffrey)
03/24/2017	UNDERLYING DECISION IN CASE [1667833] submitted by Oglala Sioux Tribe [Service Date: 03/24/2017] [17-1059] (Parsons, Jeffrey)
03/24/2017	RESPONSE [1667834] to motion for leave to intervene , motion for leave to intervene filed by Oglala Sioux Tribe [Service Date: 03/24/2017 by CM/ECF NDA] Length Certification: 1588 words. [17-1059] (Parsons, Jeffrey)
03/24/2017	RESPONSE IN OPPOSITION [1667849] to motion to dismiss case for lack of jurisdiction filed by Oglala Sioux Tribe [Service Date: 03/24/2017 by CM/ECF NDA] Length Certification: 3660 words. [17-1059] (Parsons, Jeffrey)
03/27/2017	RESPONSE IN SUPPORT [1668058] to motion to dismiss case for lack of jurisdiction filed by Powertech (USA),

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Inc. [Service Date: 03/27/2017 by CM/ECF NDA, US Mail] Length Certification: 5 Pages. [17-1059] (Thompson, Anthony)

03/30/2017 REPLY [1668599] filed by NRC and USA to response [Service Date: 03/30/2017 by CM/ECF NDA] Length Certification: 2,541 Words. [17-1059] (Adler, James)

04/06/2017 CERTIFIED INDEX TO RECORD [1669861] filed by NRC [Service Date: 04/06/2017] [17-1059] (Adler, James)

04/17/2017 SUPPLEMENT [1671257] to response filed by Powertech (USA), Inc. [Service Date: 04/17/2017] [17-1059] (Thompson, Anthony)

04/25/2017 STATEMENT [1672492] with Disclosure Listing filed by Powertech (USA), Inc. [Service Date: 04/25/2017] [17-1059]--[MODIFIED EVENT--Edited 04/25/2017 by LMC] (Thompson, Anthony)

05/17/2017 PER CURIAM ORDER [1675530] granting corrected motion for leave to intervene ; referring motion to dismiss case for lack of jurisdiction to which this petition for review is assigned. Before Judges: Griffith, Srinivasan and Pillard. [17-1059]

05/18/2017 CLERK'S ORDER [1675800] filed setting briefing schedule: PETITIONER Brief due 06/27/2017. RESPONDENT Brief due on 07/27/2017. INTERVENOR FOR RESPONDENT Brief due 08/03/2017. PETITIONER Reply Brief due 08/17/2017. DEFERRED APPENDIX due 08/24/2017. Final Briefs due 09/07/2017. [17-1059]

06/01/2017 UNOPPOSED MOTION [1677788] to extend time to file brief filed by USA [Service Date: 06/01/2017] Length Certification: 696 words. [17-1059]--[RELIEF REPLACED--Edited 06/01/2017 by LMC] (McFadden, Lane)

06/02/2017 CLERK'S ORDER [1677936] filed granting federal respondents' unopposed motion to amend the briefing schedule , The following revised briefing schedule will now apply: PETITIONER Brief due 06/27/2017 (unchanged). RESPONDENT Brief due on 08/10/2017. INTERVENOR FOR RESPONDENT Brief due 08/21/2017. PETITIONER Reply Brief due 09/12/2017. DEFERRED APPENDIX due 09/19/2017. Final Briefs due 09/26/2017. [17-1059]

06/27/2017 PETITIONER BRIEF [1681623] filed by Oglala Sioux Tribe [Service Date: 06/27/2017] Length of Brief: 12,996 words. [17-1059] (Parsons, Jeffrey)

08/08/2017 UNOPPOSED MOTION [1687739] concerning briefing format filed by Powertech (USA), Inc. [Service Date: 08/08/2017] Length Certification: 2 pages and certificate of service. [17-1059] (Pugsley, Christopher)

08/09/2017 CLERK'S ORDER [1687939] filed granting the unopposed motion of intervenor to amend the briefing schedule , The following revised briefing schedule will now apply: RESPONDENT Brief due on 08/10/2017 (unchanged). INTERVENOR FOR RESPONDENT Brief due 08/30/2017. PETITIONER Reply Brief due 09/21/2017. DEFERRED APPENDIX due 09/28/2017. Final Briefsdue 10/05/2017. [17-1059]

08/10/2017 RESPONDENT BRIEF [1688196] filed by NRC and USA [Service Date: 08/10/2017] Length of Brief: 12,947 Words. [17-1059] (Adler, James)

08/10/2017 SEPARATE STATUTORY ADDENDUM [1688198] filed by NRC and USA to Appellee/Respondent brief [Service Date:08/10/2017] [17-1059] (Adler, James)

08/30/2017 INTERVENOR FOR RESPONDENT BRIEF [1690838] filed by Powertech (USA), Inc. [Service Date: 08/30/2017] Length of Brief: 8,542 words. [17-1059] (Pugsley, Christopher)

09/21/2017 PETITIONER REPLY BRIEF [1693988] filed by Oglala Sioux Tribe [Service Date: 09/21/2017] Length of Brief: 6472 words. [17-1059] (Parsons, Jeffrey)

09/28/2017 INCORRECT DOCKET ENTRY-DISREGARD--JOINT APPENDIX [1695532] filed by Oglala Sioux Tribe. [Volumes: 2] [Service Date: 09/28/2017] [17-1059]--[Edited 09/29/2017 by LMC] (Parsons, Jeffrey)

09/29/2017 CORRECTED JOINT APPENDIX [1695662] filed by Oglala Sioux Tribe. [Volumes: 2] [Service Date: 09/29/2017] [17-1059] (Parsons, Jeffrey)

10/05/2017 RESPONDENT FINAL BRIEF [1697086] filed by NRC and USA [Service Date: 10/05/2017] Length of Brief: 12,946 Words. [17-1059] (Adler, James)

10/05/2017 SEPARATE STATUTORY ADDENDUM [1697088] filed by NRC and USA to Appellee/Respondent final brief [Service Date:10/05/2017] [17-1059] (Adler, James)

10/05/2017 INTERVENOR FOR RESPONDENT FINAL BRIEF [1697413] filed by Powertech (USA), Inc. [Service Date: 10/05/2017] Length of Brief: 8,542 words. [17-1059] (Thompson, Anthony)

10/05/2017 PETITIONER FINAL BRIEF [1697426] filed by Oglala Sioux Tribe [Service Date: 10/05/2017] Length of Brief:

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12,996. [17-1059] (Parsons, Jeffrey)

10/05/2017 PETITIONER FINAL REPLY BRIEF [1697427] filed by Oglala Sioux Tribe [Service Date: 10/05/2017] Length of Brief: 6477. [17-1059] (Parsons, Jeffrey)

10/06/2017 SEALED APPENDIX [1698013] filed by Oglala Sioux Tribe. [Volumes: 1] [Service Date: 10/06/2017] [17-1059]

10/10/2017 SEPARATE STATUTORY ADDENDUM [1697853] filed by Oglala Sioux Tribe to Appellant/Petitioner final brief [Service Date:10/10/2017] [17-1059] (Parsons, Jeffrey)

10/11/2017 ENTRY OF APPEARANCE [1698244] filed by Jeffrey C. Parsons and co-counsel Roger Flynn on behalf of Petitioner Oglala Sioux Tribe. [17-1059] (Parsons, Jeffrey)

10/23/2017 LETTER [1700942] pursuant to FRAP 28j advising of additional authorities filed by NRC [Service Date: 10/23/2017] [17-1059] (Adler, James)

10/30/2017 RESPONSE [1702146] to letter Rule 28j authorities , letter filed by Oglala Sioux Tribe [Service Date: 10/30/2017 by CM/ECF NDA] Length Certification: 331. [17-1059] (Parsons, Jeffrey)

12/13/2017 LETTER [1708784] advising of arguing counsel's availability for oral argument filed by NRC [Service Date: 12/13/2017] [17-1059] (Adler, James)

12/14/2017 LETTER [1709042] advising of arguing counsel's availability for oral argument filed by Oglala Sioux Tribe [Service Date: 12/14/2017] [17-1059] (Parsons, Jeffrey)

01/19/2018 CLERK'S ORDER [1713672] filed scheduling oral argument on Tuesday, 03/20/2018. [17-1059]

01/25/2018 LETTER [1714588] pursuant to FRAP 28j advising of additional authorities filed by NRC [Service Date: 01/25/2018] [17-1059] (Adler, James)

02/08/2018 LETTER [1717142] pursuant to FRAP 28j advising of additional authorities filed by Oglala Sioux Tribe [Service Date: 02/08/2018] [17-1059] (Parsons, Jeffrey)

03/08/2018 PER CURIAM ORDER [1721222] filed allocating oral argument time as follows: Petitioner - 15 Minutes, Respondents - 15 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney by 03/13/2018 [17-1059]

03/13/2018 NOTICE [1721960] sent regarding live streaming of oral argument. [17-1059]

03/13/2018 FORM 72 submitted by arguing attorney, Jeffrey C. Parsons, on behalf of Petitioner Oglala Sioux Tribe (For Internal Use Only: Form is restricted to protect counsel's personal contact information). [17-1059] (Parsons, Jeffrey)

03/13/2018 FORM 72 submitted by arguing attorney, James E. Adler, on behalf of Respondents NRC and USA (For Internal Use Only: Form is restricted to protect counsel's personal contact information). [17-1059] (Adler, James)

03/14/2018 MOTION [1722164] regarding oral argument attorneys per side filed by Powertech (USA), Inc. (Service Date: 03/14/2018 by CM/ECF NDA, Email) Length Certification: 564 Characters. [17-1059] (Pugsley, Christopher)

03/14/2018 FORM 72 submitted by on behalf of Intervenor for Respondent Powertech (USA), Inc. (For Internal Use Only: Form is restricted to protect counsel's personal contact information). [17-1059] (Pugsley, Christopher)

03/15/2018 PER CURIAM ORDER [1722554] filed granting the motion of intervenor Powertech (USA) Inc. for leave to participate in oral argument , The following revised allocation of oral argument time will now apply: Petitioner - 15 Minutes, Respondents - 11 Minutes. Intervenor - 4 Minutes. [17-1059]

03/20/2018 ORAL ARGUMENT HELD before Judges Garland, Henderson and Griffith. [17-1059]

Pending Motion

No Information is Available for this case

Brief

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No Information is Available for this case

Rehearings

No Information is Available for this case

History

No Information is Available for this case

Additional Case

Additional Case Information

Petition for Review - Review

Appeal from: Nuclear Regulatory Commission

District: NRC Division: 1 CaseNumber: NRC-040-09075-MLA

Date Decided: 12/23/2016

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